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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-226

13 GERALD MARVIN STEARNS
14 P.O. Box 198
San Diego, CA 92109

A C C U S A T I O N

15 Registered Nurse License No. 695245

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about January 10, 2007, the Board of Registered Nursing issued
24 Registered Nurse License Number 695245 to Gerald Marvin Stearns (Respondent). The
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on May 31, 2010, unless renewed.

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4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

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7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action Against a Registered Nurse License by Another State)**

3 8. Respondent is subject to disciplinary action under section 2761,
4 subdivision (a)(4) of the Code in that Respondent voluntarily surrendered his professional nurse
5 license issued by the State of Arizona. The circumstances are as follows:

6 a. On or about August 26, 2004, the Arizona State Board of Nursing
7 issued Professional (Registered) Nurse License No. 129549 to Respondent.

8 b. Pursuant to a Consent for Entry of Voluntary Surrender Order
9 No. 0607074, *In the Matter of Professional Nurse License No. RN129549*, Respondent
10 surrendered his professional (registered) nurse license as a result of a disciplinary action. Based
11 upon the findings of facts, the Arizona State Board of Nursing concluded Respondent's conduct
12 violated Arizona Revised Statutes (A.R.S.) sections 32-1663, subdivision (D), as defined in
13 section 32-1601, subdivision (16)(d), and Arizona Administrative Code (A.A.C.) R4-19-403,
14 subdivisions (B)(1) (A pattern of failure to maintain minimum standards of acceptable and
15 prevailing nursing practice); subdivision (B)(7) (Failing to maintain a patient record that
16 accurately reflects the nursing assessment, care, treatment, and other nursing services provided to
17 the patient; and subdivision (B)(31) (Practicing in any other manner that gives the Board
18 reasonable cause to believe the health of a patient or the public may be harmed).

19 c. On or about June 13, 2008, Respondent voluntarily surrendered his
20 license for the Arizona State Board of Nursing's acceptance.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein
23 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:


24 1. Revoking or suspending Registered Nurse License Number 695245, issued
25 to Gerald Marvin Stearns;

26 2. Ordering Gerald Marvin Stearns to pay the Board of Registered Nursing
27 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
28 Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 3/23/09


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2008803197